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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 DOMINIQUE HUETT, an individual,) CASE NO.: 2:18-cv-6012

12 Plaintiff

13|| Plaintiff,

V.

14 | Page

THE WEINSTEIN COMPANY LLC,

15 BOB WEINSTEIN and HARVEY

16 WEINSTEIN,

—

Defendants.

18

Defendant Harvey Weinstein (W)

20 hereby gives notice of the removal of the

²¹ 1224(b), 1441, 1446, 1452(a), and End.

²¹ 1334(b), 1441, 1446, 1452(a), and Fed.

²² “Bankruptcy Rules”), to the United States

— 1 —

23 California. Weinstein appears for the p

²⁴ purpose and as grounds for removal. We

25 BACKGROUND

26 1. This action was originally filed in California state court on October 24,
27 2017, against defendant The Weinstein Company LLC (“TWC”), only, and asserted
28 a single claim, for common law negligence. On January 31, 2018, Plaintiff filed a

1 First Amended Complaint that added defendants Bob Weinstein and Harvey
2 Weinstein, and asserted claims against them as well as TWC for violations of the sex
3 trafficking statute, 18 U.S.C. § 1591.

4 2. Weinstein respectfully asserts, for the reasons set forth below, that this
5 Court has subject matter jurisdiction based on federal question jurisdiction, and that
6 this notice of removal is timely.

7 **GROUND FOR REMOVAL**

8 **I. FEDERAL QUESTION JURISDICTION EXISTS**

9 3. The Court has subject matter jurisdiction over this case pursuant to 28
10 U.S.C. §§ 1331 and 1441 because this is a civil action for violation of the federal sex
11 trafficking statute, 18 U.S.C. § 1591, and the district court would have had original
12 jurisdiction pursuant to 18 U.S.C. § 1331.

13 **II. WEINSTEIN HAS SATISFIED THE PROCEDURAL
14 REQUIREMENTS FOR REMOVAL**

15 4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)
16 because it is filed within 30 days of service of the summons and Complaint upon
17 Weinstein. On May 22, 2018, Plaintiff's counsel mailed a Notice and
18 Acknowledgment of Receipt of Summons, along with the summons and First
19 Amended Complaint, to Defendant's counsel. Defendant's counsel signed the
20 Notice and Acknowledgment of Receipt of Summons on June 11, 2018, and
21 returned it to Plaintiff's counsel that same day. Pursuant to California Code of Civil
22 Procedure § 415.30(c), service of the summons "is deemed complete on the date a
23 written acknowledgment of receipt of summons is executed," if thereafter returned.
24 Accordingly, Weinstein has 30 days from June 11, 2018, to remove this action
25 pursuant to 28 U.S.C. § 1446(b).

26 5. Defendant Bob Weinstein has not been served. Defendant TWC has
27 filed for bankruptcy and the action against it has been automatically stayed. On
28

1 March 21, 2018, TWC filed a Notice of Suggestion on Pendency of Bankruptcy and
2 Automatic Stay of Proceedings.

3 6. This action, filed in the California Superior Court of Los Angeles
4 County, is being removed to the district and division embracing the place where the
5 action is pending. *See* 28 U.S.C. § 1441(a).

6 7. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and
7 orders served on the Removing Defendant, which papers include the original and
8 First Amended Complaint, are attached collectively as Exhibit A.

9 8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is
10 being served upon counsel for Plaintiff and a copy is being filed with the Clerk of the
11 Superior Court of the County of Los Angeles.

12 WHEREFORE, Harvey Weinstein respectfully removes this action from the
13 Superior Court of the County of Los Angeles, in the State of California, bearing
14 number BC680869, to this Court.

15 Dated: July 10, 2018

16 KUPFERSTEIN MANUEL LLP

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18 /s/
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